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Attorneys for Plaintiff, Reliant Technologies, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RELIANT TECHNOLOGIES, INC.,)
a corporation,)

Plaintiff,)

-v-)

ROBERT LANE McDANIEL,)
an individual,)

Defendant.)

Case No. 3:08-cv-2515

Judge Maxine M. Chesney

**DECLARATION OF THAD
CHALOEMTIARANA**

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Pursuant to 28 U.S.C. § 1746, I, Thad Chaloeontiarana, declare as follows:

1. I am over the age of eighteen (18) and make this declaration on personal knowledge and experience.

2. I am a partner at the Chicago law firm of Pattishall, McAuliffe, Newbury, Hilliard & Geraldson, LLP, counsel for Reliant Technologies, Inc. ("Reliant"), the plaintiff in this civil matter.

3. The facts I am providing in this declaration are based on my own personal knowledge or on information and belief, where indicated, and, if called upon to do so, I could testify to them competently.

4. My wife and I are expecting a baby within approximately one week of September 5, 2008, and I therefore am unable to travel to attend the September 5, 2008 hearing on Defendant's Motion to Dismiss.

5. On or around August 8, 2008, Ray Geraldson and I contacted Defendant to request an extension of time to respond to Defendant's Motion to Dismiss which was otherwise due on August 15, 2008. We explained that I was moving homes on August 14 and 15, 2008, that the associate on our team, Alexis Payne, was getting married August 13-15, 2008 and that Mr. Geraldson was out of town on August 15, 2008. We also explained that Ray Geraldson and I were unavailable to attend the September 5, 2008 hearing date on Defendant's Motion to Dismiss. Defendant refused to grant our request for an extension of time.

6. On the afternoon of August 21, 2008, I received an email from Defendant in which he requested a three-week extension of time to file his reply to Reliant's opposition to Defendant's Motion to Dismiss. I informed Defendant that, in light of Defendant's refusal to

1
2 grant additional time to Reliant to file its response to Defendant's Motion to Dismiss, we would
3 need to obtain our client's approval before granting Defendant's request for an extension of time
4 to file his reply and would respond the next day. Before we had an opportunity to discuss
5 Defendant's request with our client, Defendant filed his "Motion for Extension of Time to File
6 Response as to Memorandum in Opposition to Defendant's Motion to Dismiss" on August 21,
7 2008.

8 7. On August 26, 2008, I contacted Defendant and stated that Reliant would be
9 willing to stipulate to Defendant's request for fourteen (14) day extension of time, provided that
10 Defendant would consent to reschedule the September 5, 2008 hearing date to a time convenient
11 for Reliant's counsel. Defendant refused to grant consent to modify the September 5, 2008
12 hearing date.

13 8. I declare under penalty of perjury under the laws of the United States of America
14 that the foregoing is true and correct.
15

16 Executed on August 26, 2008



18 _____
Thad Chaloehtiarana